
Hebrew Bylaws of a Synagogue in Omaha, Nebraska (1908)

Jonathan Rosenbaum

Introduction

In the Western Hemisphere, synagogue constitutions and the minute books which followed them have normally been written in the language of the community. We have mid-seventeenth-century exemplars in Portuguese from Brazil,¹ while synagogue notes and speeches appear in Spanish in other Sephardic communities.² By the early eighteenth century, minute books from New York's Shearith Israel appear entirely in English.³ With the mid-nineteenth century's immigration from Germany, the German language remained the focus of communal activities for more than a generation,⁴ and even before the beginning of the exodus from Eastern Europe in the 1880's, Russian Jewish communal affairs in America utilized Yiddish.⁵

Though Hebrew was, of course, the written language of rabbinic scholarship in both the Ashkenazic and Sephardic communities of the Old World, its use in the communal life and records of American Jewry is sparse. Jewish scholars did exist in the Western Hemisphere,⁶ but they were few in number. Thus, the opportunity to use Hebrew outside of prayer and study was limited. A well-known Hebrew letter of Haym Salomon to Rabbi David Tebele Schiff of London was actually written for Salomon by Joseph Carpeles, a recent arrival from Prague. Though Carpeles has been described as "one of the most learned men among the Jews of America at the end of the 18th century," his Hebrew was not strong enough to provide descriptions of certain complicated business matters, for which, in Salomon's letter, he resorted to Yiddish.⁷ From time to time in nineteenth-century America, Hebrew was used for public rather than scholarly pursuits,⁸ but the instances were rare. Almost invariably, synagogue constitutions and records were written in the language of the immigrant community and, in

subsequent generations, in English.

This rule generally applies to the Omaha Jewish community as well. The Nebraska Territory was opened for white settlement in 1854. Within a year, the first Jewish settlers had arrived. The first Jewish congregation, the Congregation of Israel (now Temple Israel), was established in 1871.⁹ Though originally traditional in approach, the Congregation of Israel adopted Reform practices in 1884 and five years later became a member of the Union of American Hebrew Congregations.¹⁰ This action stimulated the growth of Orthodox congregations, a number of which grew and dissolved from 1883 onward.¹¹ In 1906, another congregation was incorporated by the local Hungarian Society. Originally named B'nai Jacob Ohave Sholem ("Children of Jacob—Lovers of Peace"), the name was soon changed slightly to B'nai Jacob Anshe Sholem ("Children of Jacob—Men of Peace"). From the time of the change in name in November 1908, all records of the congregation, including its bylaws and minute books, were written in Yiddish. However, the earliest bylaws, dating from February 1908, were written, surprisingly, in Hebrew. Though certain Englishisms creep in occasionally, the Hebrew style is generally accurate in grammar and syntax and is written in the idiosyncratic but elegant extreme cursive hand of a learned and cultured man (see illustrations 1 and 2). As such, the document seems exceptional, if not unique.

The bylaws were kindly provided to the writer by Dr. Lewis Yager, who has translated the Yiddish bylaws and minute books of several early Omaha congregations. Dr. Yager has indicated that the present document is the only Omaha synagogue document which he has seen in Hebrew.¹² It is written on hand-cut heavy paper which is only slightly yellowed and measures approximately nine by fourteen inches (22.9 x 35.6 cm). The horizontal base lines that guided the scribe, carefully drawn in pencil, are still visible and seem to indicate special precision. (See illustration on following page.)

Hebrew Text of Bylaws of Congregation B'nai Jacob Ohave Sholem,
Omaha, Nebraska

וְהָיָה כִּשְׂכָרָא דִּי כְּלִי מִיָּדֵי הַמִּשְׁכָּב
 פְּסוּלָא דְהַמִּשְׁכָּב וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא
 וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי
 הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא
 וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי
 הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא
 וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי
 הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא
 וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי
 הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא

וְהָיָה כִּשְׂכָרָא דִּי כְּלִי מִיָּדֵי הַמִּשְׁכָּב
 פְּסוּלָא דְהַמִּשְׁכָּב וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא
 וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי
 הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא
 וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי
 הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא
 וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי
 הַמִּשְׁכָּב אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב
 אֵינְיָא וְכִי מִיָּדֵי הַמִּשְׁכָּב אֵינְיָא

The Translation

Today, the day of Purim Qatan of the year 5668 [February 16, 1908],¹³ it was decided once and for all [or “in final form”] at a gathering of all of us [that] we, the Association of B’nai Jacob Ohave Sholem,¹⁴ chose Mr. Henoah Marks¹⁵ as President; and Mr. Max Joseph Grossman, Vice-President; and Mr. A. Cohen, Treasurer; and Mr. Micahas, Secretary; and three Trustees who are [lit. “are they not”] the following: Mr. Mashavitz, Chairman; and Mr. Aaron Borenstein, second to him; and Mr. Nachum Jacob, third. And these are the officers who have been chosen [to stand] until the Intermediary Days of Sukkot of the coming year, 5669. And these are the bylaws which they wrote on the tablet in the minute book to be remembered [lit. “for a remembrance”]:

1. The group, we who are inscribed here, are among the first who are establishing this congregation. May their [i.e., our] remembrance never move away from the congregation mentioned above. And from now on the officers will not be chosen at the designated time of their election unless there are [lit. “if there are not”] twenty with them, all of them, or a majority of them.¹⁶

2. Each month [lit. “from month to month”] they [i.e., the officers] must call a meeting to consider expenditures and income and to consider necessary matters for the good of the congregation.

3. Everyone of the congregation will pay monthly dues of twenty-five cents at the [regular] gathering or by means of a collector whom the congregation will choose to gather funds from the members. And whoever is in arrears [lit. “does not pay”] for six consecutive months without reason will be expelled from the congregation.

4. The officers will be chosen by a majority of votes semiannually, viz., on the Intermediary Days of Sukkot and on the Intermediary Days of Pesah. The officers shall be [appointed] from among the members and not from among nonmembers, and nonmembers shall not [lit. “do not”] have the privilege of voting!

5. If there should be disputes between two of our brothers, they are not permitted to bring their case before a civil court. Rather, at the onset, they shall present their case before three members who will choose for themselves a chairman, and they will judge between them [i.e., between the litigants]. And if, after the compromise which the judges from among our brothers will make between them, one [of the litigants] should go and bring his case before a civil court, then he will be expelled from the congregation, and he will not be accepted again until he appeases his fellow.

6. And this we hereby institute among us: [lit. that] every one of the worshippers in this house of prayer will not speak during the time of the prayer or during the time of the reading [of the Pentateuch and the Prophets]. For the sake of this [rule] we have appointed three trustees to oversee it. And whosoever does not pay heed to them three times will surely be punished, as [a penalty] will be placed upon him up to three dollars [lit. “silver pieces”]. The poor shall pay according to his poverty and the rich according to his wealth.

7. If, God forbid, one of the congregation should become ill, [we] must visit him all of the days of his illness. And if the sick one should request that one or two men be assigned [lit. “given”] to him for a night or two, the president must order and command and choose according to lot one or two men who will

spend the night with him to help him and to support him and to assist him in any way possible.

8. If one of our congregation should be visited by the fate of all mankind, God forbid, or [if one of the congregation] should mourn one of his relatives, God forbid, we must provide for him a *minyan* and pray in his house throughout the *shivah*, if he should request such, and also learn *mishnayot* evening and morning, and mark the date of his passing in the minute book in order to mention him on the Sabbath before the *Yahrzeit*.

In order to conclude with happiness, all of us have agreed to make a festive meal once a year during the days between Rosh Chodesh Shebat and the fifteenth of it [i.e., of Shebat].

Comments and Conclusions

The author of these bylaws is unknown, though there is some evidence that he was the secretary of the new congregation, Mr. Miechas.¹⁷ His refined though difficult script, his knowledge of Hebrew style and biblical idiom, and his use of Yiddish orthography for Englishisms collectively point to his European training and probable status as a recent immigrant.

While the bylaws are fairly standard in form and reflect a typical communal commitment to the well-being of each member, the fifth article stands out. This article establishes an internal system for settling disputes among members. While such is not uncommon, the attempt to proscribe all recourse to civil courts is. Although this approach was the accepted halakic position in the Old World, and although there are instances of its application in the Western Hemisphere in earlier periods,¹⁸ the appearance of sanctions at the beginning of the twentieth century in the United States seems worthy of note. Interestingly, the subsequent Yiddish bylaws issued by this congregation in November of the same year permit members to bring suit in civil courts if a settlement cannot be reached with the help of a committee of mediation. Even in a case where the disputants resort to court action without first seeking redress through congregational mediation, the Yiddish bylaws only authorize a fine.¹⁹ Thus, the earlier document represents an attempt to establish an American congregation which, internally, was legally autonomous and bound by a constitution written in the classical language of Hebrew.

Jonathan Rosenbaum is associate professor of Judaic studies at the University of Nebraska at Omaha. He is co-editor of *Our Story: Recollections of Omaha's Early Jewish Community, 1885-1925*.

Notes

1. See Arnold Wiznitzer, "The Minute Book of Congregations Zur Israel of Recife and Magen Abraham of Mauricia, Brazil," *Publications of the American Jewish Historical Society* (hereafter cited as *PAJHS*) 42 (1953): 217-302. Wiznitzer (p. 220) notes that the minute book, which begins in 1648, is "written in early seventeenth century Portuguese, and is interspersed with many words in Hebrew and Ladino."

2. See, for example, J. R. Marcus, *The Colonial American Jew: 1492-1776* (Detroit, 1970), I, pp. 125-127.

3. "The Earliest Extant Minute Books of the Spanish and Portuguese Congregation Shearith Israel in New York, 1728-1729," in *The Jewish Experience in America*, ed. A. J. Karp (Waltham, Mass., and New York, 1969) (hereafter cited as *JEA*), I, pp. 240-265. The article originally appeared in *PAJHS* 21 (1913) without giving credit to a particular author or editor other than the editors of the journal (p. 240).

4. See R. Glanz, *Studies in Judaica Americana* (New York, 1970), pp. 1-103, esp. pp. 71-73, 97-101.

5. J. D. Eisenstein, "The History of the First Russian-American Jewish Congregation," *PAJHS* 9 (1901): 63-74.

6. Note the early example of Hakam Isaac Aboab da Fonseca of Brazil, the first rabbi in the Western Hemisphere. See Wiznitzer, "Minute Book," p. 219 and n. 3.

7. Hyman B. Grinstein, "A Haym Salomon Letter to Rabbi David Tevele Schiff, London, 1784," *JEA*, I, p. 271 (originally published in *PAJHS* 34 [1937]).

8. See, for example, Edward D. Coleman, "A New York Election Circular in Hebrew of 1867," *PAJHS* 34 (1937): 285-288, and Jacob Kabakoff, "The Hebrew Correspondence Between the Reverend Marcus Hillel Dubov and Secretary of State John Hay," *PAJHS* 38 (1949): 53-56. A strong summary of the use of Hebrew in the New World appears in I. Rivkind, "Early American Hebrew Documents," *PAJHS* 34 (1937): 51-74. Rivkind notes the general ignorance of Hebrew among early American Jews (pp. 54-55), but cites some interesting exceptions.

9. The first known Jewish services were organized in 1867, but the synagogue itself was not founded officially until four years later. See C. Gendler "The First Synagogue in Nebraska: The Early History of the Congregation of Israel of Omaha," *Nebraska History* 58 (1977): 324.

10. Susanne Richard Somberg and Silvia Greene Roffman, *Consider the Year: 1871-1971* (Omaha, 1971), pp. 19-20.

11. A clear description of the rise of the Orthodox community appears in C. Gendler, "The Jews of Omaha: The First Sixty Years," *Western States Jewish Historical Quarterly* (hereafter cited as *WSJHQ*) 6 (1974): 147-154.

12. Oral communication, July 12, 1981. The basic published work on the early Jewish community of Omaha is a slightly abridged version of the M.A. thesis of C. Gendler. It was published in installments under the title in n. 11. See also *WSJHQ* 5 (1972-73): 205-224, 288-305; 6 (1973-74): 58-71, 141-147, 225-233, 293-304.

13. Purim Qatan is the name given to the fourteenth and fifteenth days of the leap month, Adar I, since Purim itself is celebrated in Adar II. As 14 Adar I, 5668, fell on a Sunday, a day when workingmen might have been freer to meet, and as it is precisely Purim Qatan (the fifteenth actually being a month before Shushan Purim, though often called Purim Qatan as well), the likelihood is that the Sunday (February 16) is intended here.

14. This orthography accords with the English transliteration adopted by the congregation in public records. See Gendler, "The Jews of Omaha: The First Sixty Years," p. 152.

15. The man in question is known as Henech Marks, though the Hebrew spells his surname as Marcus. See Gendler, "The Jews of Omaha" (M.A. thesis, University of Nebraska at Omaha, 1968), p. 93, n. 20.

16. The phrase is confusing: either a minimum of twenty must be present or a majority of that number. The range is wide, and one is tempted to propose that a rule making eleven votes necessary for election in a quorum of twenty is intended.

17. The frontispiece from the Yiddish edition of the bylaws "Book of By-laws of Congregation B'nai Yacov Anshe Sholem" [unpublished MS], Rosh Chodesh Kislev, 5668 (November 23, 1908), was executed by Miechas, who affixed his name to it.

18. E.g., Wiznitzer, "Minute Book," pp. 248 ff.

19. "Book of By-laws of Congregation B'nai Yacov Anshe Sholem," Article 18.